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Officials to ask state to help pay for Ruiz trial

By Kristi Pihl, Herald staff writer

As Vicente Ruiz's third murder trial starts in Spokane, Franklin County officials are preparing to ask the state Legislature to help pay for the ballooning trial costs.

The county already has spent \$441,985 on costs from the first and second Ruiz trials for expenses related to attorneys, interpreters and juries.

Now the Franklin County Auditor's Office has been adding up trial-related expenses to prepare a request to the state to cover some of the 2010 Ruiz trial expenses.

Officials are estimating costs for the Ruiz trial could total about \$700,000 between 2007 and 2010, with about \$474,000 of that from 2010 alone.

"All we know is the numbers are going to keep getting bigger," said Thomas Westerman, the county's chief accountant.

State help covering Ruiz trial expenses isn't a certainty. In the meantime, Franklin County commissioners have been dipping into the county's dwindling reserves to pay for the case.

The bicounty Office of Public Defense's overall professional services costs for 2010 are expected to be five times the \$100,000 that was budgeted, and the county clerk's office already has spent more than twice the \$40,000 budgeted for juries. Most of that overrun has been attributed to the Ruiz trial.

Ruiz is facing five counts of aggravated first-degree murder and one count of attempted first-degree murder in the 1987 Medina's Body Shop shootings in Pasco.

Jury selection for his third trial started in Spokane on Nov. 9 and a jury was chosen Tuesday.

Ruiz's first trial in 2008 ended in a mistrial. His second trial started in April with jury selection, but in July the judge granted a defense motion to move the trial because of concerns about being able to seat an unbiased Franklin County jury.

The county spent \$237,318 on the second Ruiz trial this year. The majority of those expenses, \$208,863 from the bicounty Office of Public Defense, were for nonroutine attorney fees, investigators, expert witnesses, medical records and transcripts.

That office predicts \$153,173 more will be spent on such public defense costs as the third trial progresses in Spokane, according to county documents.

The county clerk's office also spent \$15,549 this year on the jury for the second trial and \$4,772 in 2008 during the first trial. Jurors receive \$10 per day and mileage reimbursement. County Clerk Michael Killian estimates the office could spend \$25,200 on the jury for the third trial, but added, "It's not a hard number at all."

Killian said that doesn't include travel and per diem costs for his deputy clerk, who is in Spokane for the trial. A Franklin County clerk must be present when the county's Superior Court is in session.

Pat Austin, Superior Court administrator, said the majority of the \$12,906 Superior Court has spent on the Ruiz trial this year has been for interpreter costs. Ruiz must be able to understand what is said during the trial and to talk with his attorneys. An interpreter was also needed for some witnesses in the case, she said.

Austin estimates the court will spend \$58,430 more on interpreters, lodging, mileage and meals for the Spokane trial. Superior Court has a judge, a court reporter and bailiff traveling to Spokane for the case.

Austin said they couldn't find a Spokane, court-certified interpreter to cover the whole trial, so a local interpreter is traveling to Spokane, which adds travel costs.

Franklin County gets an annual state grant for interpreter services that Austin said will help cover some expenses in the Ruiz case. The grant, which ends next June, is for \$17,669. The county received \$15,812 for interpreter services from July 1, 2009, to June 30, 2010.

Franklin County commissioners intend to ask the Legislature for help paying for the Ruiz trial through the state's Extraordinary Criminal Justice process.

State law allows the county to request reimbursement for costs connected to public defense, investigation, prosecution, jury, interpreters, expert witnesses and incarceration for aggravated murder cases. Reimbursement wouldn't cover staff prosecutor salaries, which the county has to pay no matter what cases the attorneys work.

The state Office of Public Defense prioritizes the applications with input from the Washington Association of Prosecuting Attorneys and Washington Association of Sheriffs and Police Chiefs, said Sophia McSherry, state Office of Public Defense deputy director.

The office then submits the prioritized list to the Senate and House ways and means committees, McSherry said.

Franklin County already has received \$33,000 for Ruiz trial costs from 2009 and \$87,000 for 2008 expenses, she said.

Franklin County was one of the first to receive money after the process was created in 1999. It was reimbursed about \$633,000 for prosecution costs from 1999 through 2001 for the first-degree aggravated murder trial of Nicolas Solorio Vasquez.

Vasquez was sentenced to life in prison after he shot and killed Washington State Trooper James Saunders during a traffic stop in Pasco on Oct. 7, 1999.

Money for extraordinary criminal justice requests is up to the Legislature, McSherry said, and comes out of the state-general fund budget.

But with the state slashing its budget in the face of declining revenues, the request faces an uncertain outcome.

Austin said county officials are doing all they can to be frugal, but, "Justice has to be served, and people do have civil rights."

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